761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: May 27, 2003

OFFICE CORRESPONDENCE FILE:

FROM: RICHARD L. CASTRO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: TERENCE P. JUDGE, CAPTAIN
PALMDALE STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, NOVEMBER 20, 2002, REVIEW #2076232**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on November 20, 2002.

The Committee met on May 22, 2003, and consisted of myself and Commander Lynda Castro (Commander of the Department) and A/Commander Eric Smith (Internal Affairs Bureau). The Committee determined that the use of force by Deputy Rick Manes #[redacted]was within Department policy. **Please advise the deputy of this finding.**

The Committee also directed the Unit Commander conduct a tactical debriefing with the involved deputies.

RLC:KRK:kk



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

July 8, 2003

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Dear Captain Merriman

RE: J.S.I.D. File No. 02-0996
L.A.S.D. File No. 002-19519-2665-013

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 20, 2002 fatal shooting of Robert Connie Mitchell by Los County Sheriff's Deputy Rick Manes. The weight of the evidence shows that Deputy Manes acted lawfully in self-defense and in the defense of others.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department submitted to this office by Investigators Joseph Martinez and Robert Harris on February 20, 2003, as well as an examination of photographs relating to the matter. Additionally, the District Attorney Command Center was notified of the shooting at approximately 7:42 P.M. on November 20, 2002. The District Attorney Response Team, comprised of Deputy District Attorney Edward Miller and District Attorney Senior Investigator [redacted] responded to the scene. We were given a briefing of the circumstances surrounding the shooting, and a "walk-through" of the scene.

FACTUAL ANALYSIS

On November 20, 2002 at approximately 6:25 P.M., uniformed Deputies Rick Manes and [redacted] responded to a burglary in progress call at the residence of [redacted] and [redacted] located at [redacted] East Avenue T-4, Littlerock. They drove in a marked black and white Ford Expedition patrol vehicle. Manes was the driver. As they turned on to

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
WEBSITE: http://da.co.la.ca.us

Avenue T-4 from 87th Street East, they were informed by radio that the suspect was attempting to re-enter the home.

As the deputies arrived at the location with overhead rotating emergency lights activated, they saw Robert Mitchell walk into the street from the front yard of the [redacted] residence.

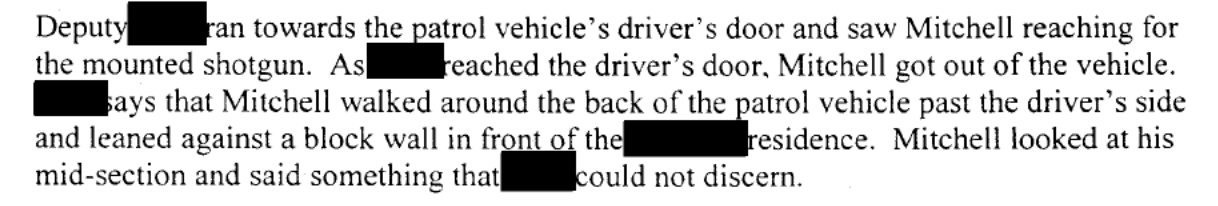
Both deputies exited their vehicle with their pistols drawn. Deputy Manes states that on contacting Mitchell, both deputies ordered him to the ground. Mitchell, however, did not comply. Instead, he paced back and forth while moaning and growling. Deputy Manes ordered Mitchell to get on the ground at least ten times, but Mitchell did not comply.

Deputy [redacted] states that on contacting Mitchell, both deputies ordered him to stop. Mitchell stopped, turned and walked in their direction. Mitchell asked, "What the fuck are you going to do? You're going to shoot me?" At this point, Mitchell began walking faster towards the deputies. Both deputies observed that Mitchell appeared to be under the influence of a controlled substance.

Mitchell let out a growl and charged Deputy Manes. Manes kicked Mitchell in the abdomen or hip area in an effort to keep him at a distance. The kick caused Manes to lose his balance and to move backwards. As Manes went backwards, he felt his gun being pulled down. Although Manes did not actually see Mitchell grab his gun because he was trying to regain his balance, he felt a tug on his gun and believed that Mitchell was trying to take it away. Manes became frightened because Mitchell was large and overpowering. Mitchell was five feet, ten inches tall, weighed 235 pounds and was muscular.

Deputy [redacted] states that after Mitchell was kicked, he was mumbling incomprehensibly, then ran at Deputy Manes with his arms outstretched. [redacted] saw Mitchell attempt to grab Manes's gun, but could not see if he actually grabbed it because it was dark.

Deputy Manes reacted to the tugging of his gun by pulling it back and firing two or three rapid shots. Mitchell backed off of Manes right away, then began walking in circles and mumbling. At first, Manes did not think his gunshots had hit Mitchell because he made no expressions of pain, but Manes then saw blood on the back of Mitchell's shirt. Manes again ordered Mitchell to get down. Mitchell, however, went towards the open right front passenger door of the patrol vehicle and entered. Deputy Manes continued to order Mitchell to get down on the ground.


Deputy [redacted] ran towards the patrol vehicle's driver's door and saw Mitchell reaching for the mounted shotgun. As [redacted] reached the driver's door, Mitchell got out of the vehicle. [redacted] says that Mitchell walked around the back of the patrol vehicle past the driver's side and leaned against a block wall in front of the [redacted] residence. Mitchell looked at his mid-section and said something that [redacted] could not discern.

Mitchell then walked towards the house next door at [redacted] East Avenue T-4 where some of his [redacted] reside. Mitchell entered the driveway as Deputy Manes followed. Manes again ordered Mitchell to the ground. Manes was amazed that Mitchell was still walking after being shot. People exited the house yelling, and began to walk towards Manes and Mitchell. One of these persons [redacted] yelled, "You shot my [redacted] Deputy [redacted] directed them to get back in the house. These individuals, however, continued to yell at the deputies and Deputy [redacted] feared that they would join in an attack.

Deputy Manes holstered his gun while pursuing Mitchell. Mitchell turned and faced Manes in the driveway, then struck Manes with closed fists several times in the face. In response, Manes struck Mitchell with his flashlight several times in the chest area and arms. Every time Manes struck Mitchell, Mitchell punched him back. Because Manes's hand grew sweaty, his flashlight slipped out of his hand after delivering a blow to Mitchell. Mitchell struck Manes again and sent him backwards. Manes became dazed from Mitchell's blows.

Deputy [redacted] holstered his gun and retrieved his extendable baton. As [redacted] approached to help Manes, Mitchell ran towards [redacted] using both hands, swung his baton at Mitchell. Mitchell caught the baton under his left arm and hit [redacted] in the left temple with his right fist. The blow knocked [redacted] glasses off and pushed him backwards against a vehicle parked in the driveway. [redacted] tried to pull his baton away, but Mitchell was stronger and pulled [redacted] closer to him. Mitchell grabbed [redacted] holstered gun by the grip. [redacted] used his right hand to grab hold of the holster strap to keep Mitchell from pulling his gun out of his holster.

Mitchell, in attempting to pull [redacted] gun from its holster, pulled [redacted] out of the driveway and into a dirt area between the driveway and street. Deputy [redacted] remembers either losing hold of his baton or dropping it to use both hands to hold his gun in the holster [redacted] heard what appeared to be the leather on his gun-belt tearing as Mitchell pulled on his gun. [redacted] felt he was in "deep trouble" and believed that Mitchell wanted to kill him.

Deputy Manes describes Deputy [redacted] as being "spun around" by Mitchell when he grabbed [redacted] baton. After [redacted] baton fell to the ground, Manes saw Mitchell pulling on [redacted] gun with both his hands [redacted] recalls yelling, "He's got my baton. He's got my baton." Manes states [redacted] screamed, "He's trying to get my gun" or "He's got my gun."

Deputy Manes saw Mitchell swing Deputy [redacted] by the gun. Manes saw [redacted] gun go up and down in the holster to the point where its trigger became exposed. Manes also heard the sound of stretching leather. Manes became concerned that Mitchell was overpowering [redacted] and it would be just a matter of seconds before he would have [redacted] gun. Manes says that Mitchell was staring at him as he was pulling at [redacted] gun. This made Manes believe that Mitchell was going to shoot him first once he obtained [redacted] gun. Manes did not want to get any closer than five feet of Mitchell for fear he would go after his gun as well.

Deputy Manes drew his gun when he saw that Mitchell continued pulling at Deputy [redacted] gun and turning [redacted] in circles. When he thought [redacted] was out of the line of fire, Manes shot at Mitchell three more times. Mitchell let go of [redacted] and fell to the ground. One of Manes's shots hit [redacted] in the right hand.

Paramedics transported Mitchell to Antelope Valley Hospital. He was pronounced dead at 7:33 P.M. by Dr. Rauch.

Two expended nine-millimeter cartridge casings were recovered from the area where Deputy Manes was standing when he fired his initial set of shots. Four expended nine-millimeter cartridge casings were found where Deputy Manes was standing when he fired his second set of shots. Blood smears were found in the right rear passenger doorframe, the rubber molding of the front passenger door, the plastic base of the front passenger seat and the passenger door panel of the deputies' patrol vehicle. Investigators also found blood on the block wall in front of the [redacted] residence where Deputy [redacted] says Mitchell leaned after he (Mitchell) exited the patrol vehicle. Investigators also noted that there were no street lamps on the street where this incident occurred.

Manes fired a Beretta, Model 92F 9mm pistol. After the shooting, investigators examined his pistol and noted that it contained nine rounds in the magazine and one in the chamber.

On November 23, 2002, Juan M. Carrillo, M.D., Deputy Medical Examiner, performed and autopsy on the body of Robert Mitchell. He ascribed the cause of death to multiple gunshot wounds. Mitchell sustained five fatal gunshot wounds to the left chest, the left lower abdomen, the left upper back, the mid-back, and the left lower back. Mitchell also sustained a gunshot wound to his right hand which was non-fatal. Additionally, Mitchell had multiple abrasions to both knees and his right elbow, along with contusions to his forehead and right arm. A toxicology report revealed the presence of cocaine in Mitchell's blood.

Statements by [redacted] and [redacted]

[redacted] told investigators that he was standing in the kitchen located toward the rear of his house talking to his [redacted] when he heard a noise coming from a backdoor in a foyer next to the kitchen [redacted] went to the door and saw that it was opening. [redacted] placed his hand on the doorknob and attempted to close the door but was overpowered. The door quickly opened and [redacted] was forced backward. Mitchell entered the house and said, "Give me my shit or I'll take you all out." As Mitchell said this, he had his hand hidden under his shirt in his right waist area as if simulating that he had a gun. [redacted] believed that Mitchell was under the influence of a controlled substance and described him as breathing heavy and looking angry. [redacted] was frightened and believed that Mitchell, whom he had never seen before, had a gun. [redacted] calmly told Mitchell that he did not know what he was talking about and that he was in the wrong house. Mitchell advanced towards [redacted] and backed him into the

kitchen. Mitchell again said, "Give me my shit or I'll take you all out." [redacted] calmly persuaded Mitchell to turn around and leave. [redacted] placed his hands gently on Mitchell's shoulders and guided him out the backdoor. When Mitchell was approximately five to eight feet outside [redacted] ran inside the door and locked it. He had his [redacted] call 9-1-1 and moved his [redacted] upstairs, fearing that Mitchell would return.

Approximately two minutes later [redacted] went to the front living room window and saw Mitchell walking on the shoulder of the street in front of his house [redacted] also saw deputies standing near their vehicle. The deputies were yelling at Mitchell ordering him to get on the ground [redacted] left the window to check on his [redacted] and began talking on the phone with the 9-1-1 operator. During this time he could hear signs of a struggle outside. Believing that the deputies had detained Mitchell [redacted] and his [redacted] opened the front door. [redacted] immediately saw flashes and heard the sound of two gunshots. He closed the door and heard two to three more gunshots about twenty seconds to one minute later.

[redacted] corroborated her [redacted] account in interviews with investigators.

Statements by Witnesses Present at [redacted] East Avenue T-4

Investigators interviewed several witnesses present at [redacted] East Avenue T-4 at the time of the incident. As stated above, Deputy Manes fired his second set of shots after Mitchell entered the driveway of this residence.

Mitchell's [redacted] told investigators that he followed his [redacted] as he exited the front door of this residence. [redacted] was followed by his [redacted] saw the police vehicle and stated that the lights were on and pointed in his direction. His [redacted] walked directly to the police vehicle. Two deputies were standing in front of the vehicle, one of whom told his [redacted] to halt. One of the deputies then shot twice at his [redacted] but [redacted] did not see which one fired. [redacted] stated that his [redacted] did not fight with the officers prior to this first shooting. [redacted] ran to the opened front door and yelled inside, "The police shot [redacted]" His [redacted] walked back to the end of the driveway and was holding his side, asking for help. [redacted] saw that his [redacted] was bleeding from the front and back of his upper torso. His [redacted] started fighting with both of the deputies. One of the deputies was striking his [redacted] with a club, while the other deputy was wrestling with him. One of the deputies shot his [redacted] in the chest and he fell to the ground.

Statements by other individuals at the residence, however, did not corroborate [redacted] version of events. [redacted] to [redacted] and [redacted] of [redacted] told investigators that she was in the kitchen when she heard two gunshots. Her [redacted] and [redacted] exited the front door of the residence after she heard these shots. She heard [redacted] and voices she believed belonged to police officers yelling at Robert Mitchell to lay down, before hearing a second set of shots. [redacted] did not hear any kind of commotion prior to the shooting. Though she had seen Robert

Mitchell at the residence at approximately 4:00 P.M. that day, she was unsure of the time when he left.

[redacted] told investigators that he was inside the residence at the time of incident and heard an unknown number of gunshots, but did not see anything. He went outside after the shooting. [redacted] said that he had seen Mitchell inside the residence prior to the shooting and saw him exit the front door, but was unable to estimate the time when Mitchell left.

[redacted] told investigators that he was in the backyard when he heard what he believed was one muffled gunshot. [redacted] went inside and heard another gunshot approximately 30 to 40 seconds after the first one. Approximately ten seconds later, he heard [redacted] say, "They are shooting at Robert." [redacted] then exited the house. [redacted] went to the front door, opened it, and looked out. He saw two deputies holding Robert Mitchell's arms trying to control him. Mitchell was grunting and the deputies were saying, "Get down, get down." Mitchell, however, did not comply with the deputy's orders. Mitchell, at one point, tried to shake the deputies off of him by spinning around. Mitchell got loose. The deputies then ordered Mitchell down and reached out to him to regain control. At this point, a third deputy approached the group and shot Mitchell three times. [redacted] described the deputies as "twirling around" when they were trying to gain control of Mitchell.

Statements by Other Civilians

[redacted] initially stated that she was sitting in her house when she heard what sounded like two or three gunshots. She went out the side door of her house and looked across the street where she saw what appeared to be two deputies scuffling with a black male. [redacted] was not able to see exactly what was going on due to darkness, but did see that the black male kept charging the two deputies. During the entire scuffle, [redacted] could hear someone yelling "get down" or "get on the ground." She heard three or four gunshots and the black male fell to the ground.

Two days later, [redacted] gave a somewhat different version of events. She stated that she was standing in her kitchen when she heard two muffled sounds which she could not identify. After checking to see if [redacted] members in another part of the house had caused the noise, she returned to the kitchen where she heard a female voice from outside saying, "I have a camera. I have a camera." [redacted] looked out through her screen door. She saw a man possibly wearing bright red shorts crawling on the ground towards the house at [redacted] East Avenue T-4. (Mitchell was wearing tan slacks.) At this time, an SUV drove by, made a U-turn, then sped off. [redacted] left the backdoor to alert her [redacted] members. She returned to the backdoor and observed three people standing in front of the driveway at [redacted] Two of the men were deputies who had their backs towards her. The third man did not have the red shorts she observed earlier. [redacted] believed the deputies were trying to control the man's arms. She did not see the deputies strike the man. [redacted] heard shots and the man fell straight back with his arms up and palms out.

[redacted] told investigators that she joined her [redacted] at the backdoor after hearing four gunshots. It was dark outside, but [redacted] had its porch light on. She saw three people at the end of the driveway across the street. Two of them had their backs to her and were facing the third individual. She believed they were scuffling and said there were people yelling at them. A person she believed was a police officer was holding a pistol aimed in the direction of the third individual. The other two appeared to be wrestling while the officer with the pistol was giving commands. The officer pointing the gun fired two to three shots. [redacted] ducked and lost sight of the situation. She subsequently saw one of the individuals who was wrestling run down the street holding his hand. [redacted] believed she heard a total of six to seven shots, including the shots she heard before she went to the back door.

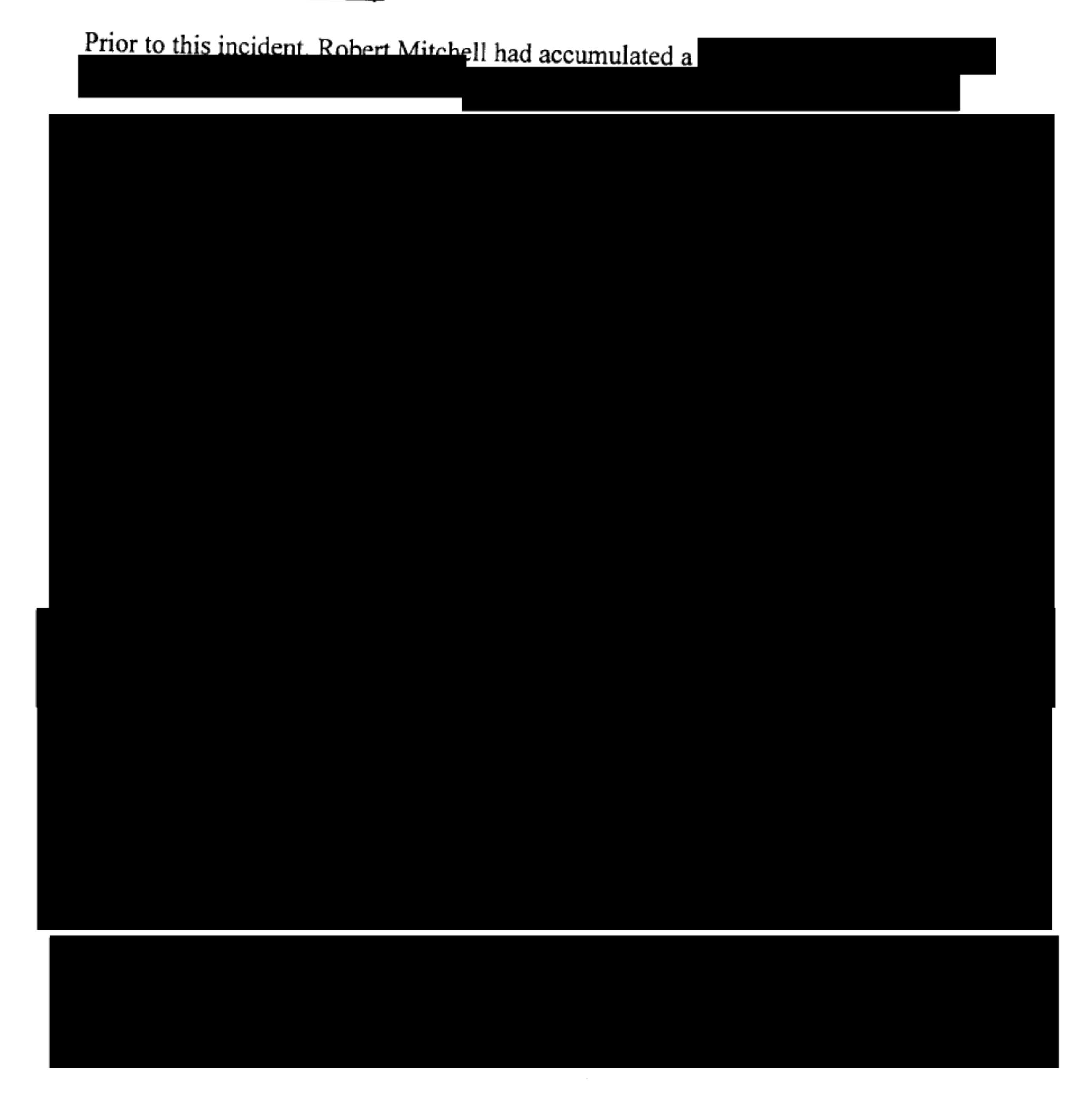
Witness [redacted] is another witness who gave somewhat conflicting statements to investigators. In his initial interview, [redacted] said he was in his living room when he saw a patrol vehicle pull up. He went outside and saw two deputies walk to the [redacted] house [redacted] door where they confronted Mitchell in the front yard. Mitchell began yelling and screaming at the deputies and charged both of them. The deputies drew their weapons and ordered Mitchell to get down on the ground. Mitchell ignored their orders and kept charging the deputies even though the deputies kept retreating. Mitchell and the deputies went out of view behind the patrol vehicle and began scuffling. [redacted] said he heard two or three gunshots and Mitchell stopped his advances. A few seconds later, Mitchell again began yelling and screaming and again charged the deputies. The deputies again yelled to Mitchell to get on the ground, but Mitchell again ignored their orders and continued to charge the deputies. The deputies and Mitchell again began scuffling out of view behind the patrol vehicle [redacted] heard three or four more shots. The scuffling stopped and Mitchell appeared to go down [redacted] who has seen Mitchell in the area several times, said that Mitchell was a troublemaker who engaged in violent behavior on many occasions.

In a subsequent interview [redacted] said that after the deputies arrived, he observed them yelling at Mitchell to get down. Mitchell threw up his arms and began yelling, ignoring repeated orders by the deputies to get down [redacted] soon heard the sound of two gunshots, but did not see who fired the rounds. [redacted] entered the house to tell his [redacted] that he thought someone got shot. Approximately "two to three minutes, or less" later, he heard three additional shots.

[redacted] was read a passage from a "canvass card" prepared by the investigator who conducted [redacted] initial interview. The passage states, "Saw deputies pull up. Suspect charged them. Lost sight of scuffle. Heard 2 or 3 shots. Saw deputies back away." Asked whether this passage was accurate, [redacted] responded, "Pretty close, almost the same thing." [redacted] stated that he did not see a physical confrontation between Mitchell and the deputies.

Mitchell's Criminal History

Prior to this incident, Robert Mitchell had accumulated a [redacted]



CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Williams (1977) 75 Cal.App. 3d 731.*

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar

circumstances, to be necessary to prevent the injury which appears to be imminent. *California Jury Instructions—Criminal 5.30, 5.32.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins (1961) 189 Cal. App. 2d 575.*

In this case, Deputy Manes had no choice other than to use deadly force against Robert Connie Mitchell. Initially, Manes and Deputy [redacted] tried simply to detain Mitchell to investigate his entry of the [redacted] residence. Mitchell instead chose to attack the deputies and attempted to take each of their pistols. Mitchell apparently also attempted to take the shotgun mounted in their patrol vehicle. The fierceness of Mitchell's attack is amply demonstrated by the fact that his initial wounding failed to stop him from trying to remove the patrol vehicle's shotgun, subsequently overpowering both deputies, and attempting to take Deputy [redacted] pistol. Moreover, the physical evidence recovered at the scene is consistent with the deputies' account, especially the blood found inside the passenger side of the patrol vehicle.

Other evidence corroborates the deputies' version of events. Mitchell had already expressed a willingness to kill if his demands were not met when he entered the [redacted] residence. Thus, the deputies' apprehension that they were in mortal danger was well founded. And of course, as has been detailed herein, Mitchell had a propensity for committing and threatening acts of violence against police officers.

The only evidence which would significantly undermine the deputies' account if believed, is the statement of Robert Mitchell's [redacted] statement boils down to an assertion that his [redacted] exited his [redacted] house and was immediately shot for no reason. This is of course contradicted by the evidence that his [redacted] was in the [redacted] residence immediately before the deputies contacted him. Moreover, [redacted] claim that he was outside and observed the first shooting is contradicted by two individuals, including his [redacted] who say that he was inside when the initial shots were fired. Finally, the [redacted] whom [redacted] says exited the house with him and Robert Mitchell before Mitchell was shot the first time, states that he did not go outside until the shooting was over and that he did not see anything. It is therefore evident that [redacted] account lacks credibility.

Nor do any of the other witness statements, to the extent they differ, detract from the credibility of the deputies' account. Two of these witnesses gave statements that conflicted somewhat with earlier statements they made. [redacted] said that a third deputy shot Mitchell, yet verified that the deputies were no match for Mitchell's strength. Not surprisingly, all of the civilian witnesses saw the incident differently. Rather than contradicting the deputies, the differing versions appear to reflect the effect of darkness on the witnesses' ability to see, combined with the difficulty inherent in articulating the details of a fight involving three individuals.

The weight of the evidence reflects that Deputy Manes acted reasonably and lawfully in self-defense and in defense of others when he used deadly force against Robert Connie Mitchell. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Edward A. Miller

EDWARD A. MILLER
Deputy District Attorney
(213) 974-3895

c: Deputy Rick Manes #[redacted]
Deputy [redacted] #[redacted]

Table of Contents

SH 2076232

SHOOTING INCIDENT EVALUATION

EXHIBITS

MISCELLANEOUS DOCUMENTS

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
November 20 2002	PALMDALE	☐	☒

Incident Information

URN: 002-19519-2665-013	Date: November 20, 2002 Time: 1835 HOURS
City or Station: LITTLEROCK	Nature of Incident: Dep involved shooting-Dep's confront poss 459 susp. struggle ensued susp grabbed Dep Manes gun, Dep Manes fired 2 rounds, susp ran. Dep's recontact susp & struggle ensues. Susp grabs Dep [redacted] gun and Dep Manes shoots Susp.
Location: [redacted] EAST AVE. T-4	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **(Street)** [circled], Other: ______

Lighting (*circle only one*): **(Darkness)** [circled], Daylight, Other, Street Lights

Weather (*circle only one*): **(Clear)** [circled], Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, **(Gun Take Away)** [circled], Moving Vehicle, Sniper/Ambush, Startle, **(Struggle Involved)** [circled], Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, **(Call)** [circled], Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **(Routine Patrol)** [circled]

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
6	0	☒	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]	[redacted]	EM **(PM)** Day	**(Regular)** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	AYALA	ADALBERTO	J.	**(On Duty)** [circled], Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	NEWLANDS	MARK	S.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	CAREY	WILLIAM	T.

PSTD Use Only

SH # 2076232

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
NOVEMBER 26, 2002	0340 HOURS		

Employee #	Last Name	First Name	M.I
[redacted]	LEE	STACY	L.
[redacted]	SMITH	RICHARD	G.
[redacted]	CLEARY	JOHN	T.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	DH	CH
E#1	S#1	FH	BR	9	Y	Y	DH	AD
E#1	S#1	FH	BR	9	Y	Y	DH	BK
E#1	S#1	FH	BR	9	Y	Y	DH	BK
E#1	S#1	FH	BR	9	Y	Y	DH	BK
E#1	S#1	FH	BR	9	Y	Y	GS	HD

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 002-19519-2665-013

Involved Employee

E 1

Employee # [redacted]	Last Name: MANES	First Name: RICK	M.I.: D.
Sex: M Race: W	Rank: DEPUTY	Unit Assignment: PALMDALE	Work Assignment (Unit #, Module, etc.): 265A
ShiftTime (*circle only one*): EM **PM** (circled) Day	ShiftType (*circle only one*): **Regular** (circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest** (circled)	Other Factors:
Age: [redacted] Height: 6'01"	Weight: 200		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Na[redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Nam[redacted]	First Na[redacted]	M.I. [redacted]

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

Suspect Information

S 1

Last Name: MITCHELL	First Name: ROBERT	M.I. C.
AKA Last Name: (NUMEROUS)	First Name:	M.I.

Sex: M Race: BLK	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: (661)944-2635	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 40 D.O.B. 04-20-62	Height: 5'10" Weight: 230	FBI #: [redacted]	CII #: [redacted]
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? [X]	Coroner Case #: 2002-08725	Intoxication/Drug Usage? [X]	Substance Used: COCAINE
Armed? [X]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make:		Model:	Year:

S__

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make:		Model:	Year:

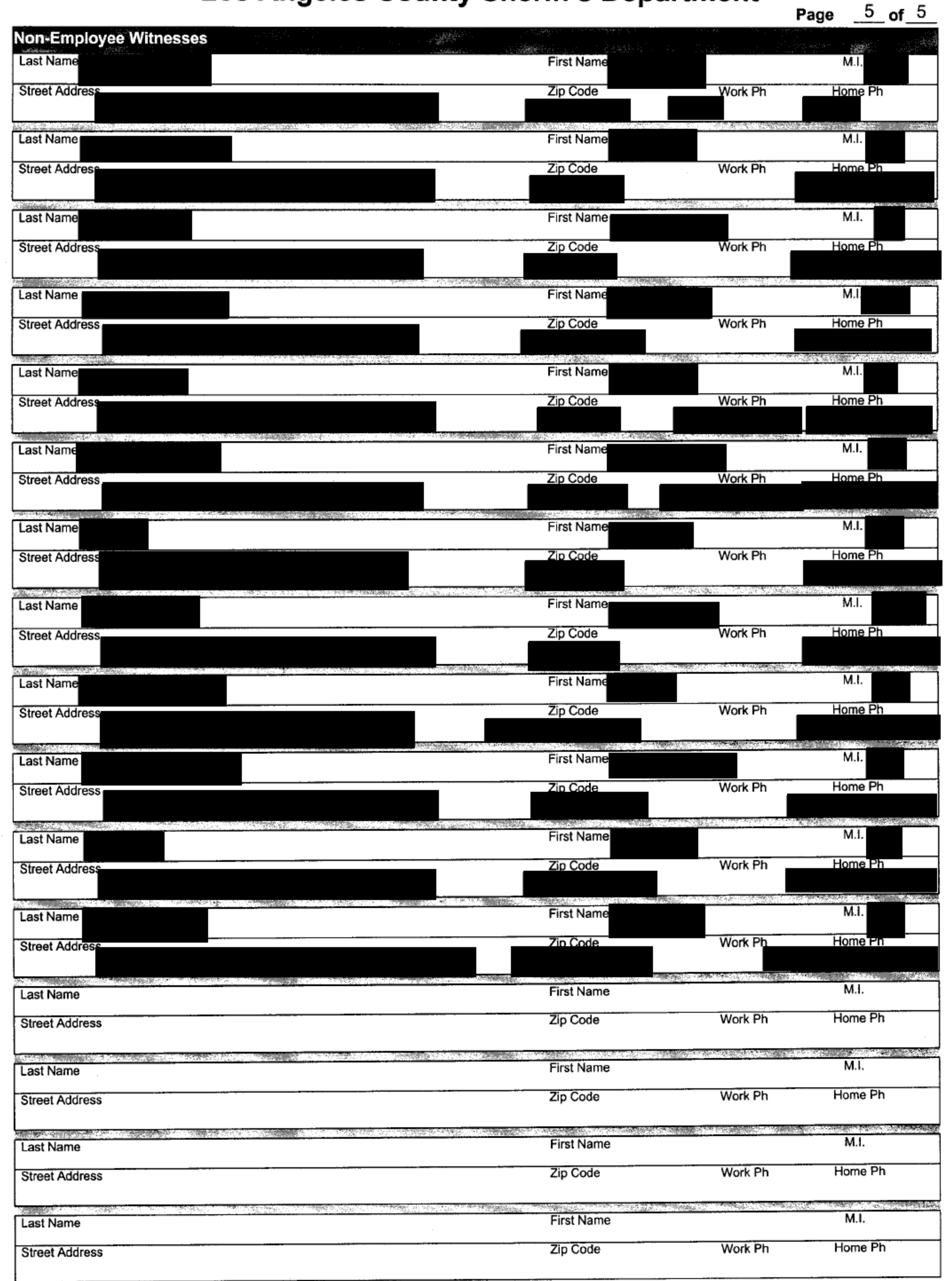
S__

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make:		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]

INVESTIGATIVE SUMMARY
USE OF FORCE
TYPE: DEPUTY INVOLVED SHOOTING-SUSPECT DECEASED
I.A.B. FILE NUMBER: SH 2076232
URN: 002-19519-2665-013

On Wednesday, November 20, 2002, Sergeants Richard Smith, John Cleary, Joseph Gooden and Jerry Greene, along with Lieutenant Stacy Lee of the Internal Affairs Bureau, responded to [redacted] East Avenue T-4, Littlerock county area regarding a Deputy Involved Shooting involving Palmdale Station personnel. Lieutenant Marilyn Baker, Sergeant William Marsh, and Detectives Joseph Martinez, Robert Harris, Richard Lopez, [redacted] and Ruben Bejarano from Homicide Bureau were on scene to conduct the criminal investigation.

The summary of this incident is based on information obtained from interviews of the involved employees and witnesses, whose individual statements are contained in the Homicide Bureau case package as well as physical evidence collected at the scene by Los Angeles Sheriff's Department Crime Lab personnel **(refer Exhibit A).**

INVOLVED PERSONNEL:

Deputy Rick D. Manes, #[redacted]	MW[redacted]	6'01"/200lbs

EMPLOYEE WORK HISTORY

Department Hire Date	01-16-88
Date Assigned to Patrol	[redacted]
Date Completed Training	
Prior Founded Force Incidents	

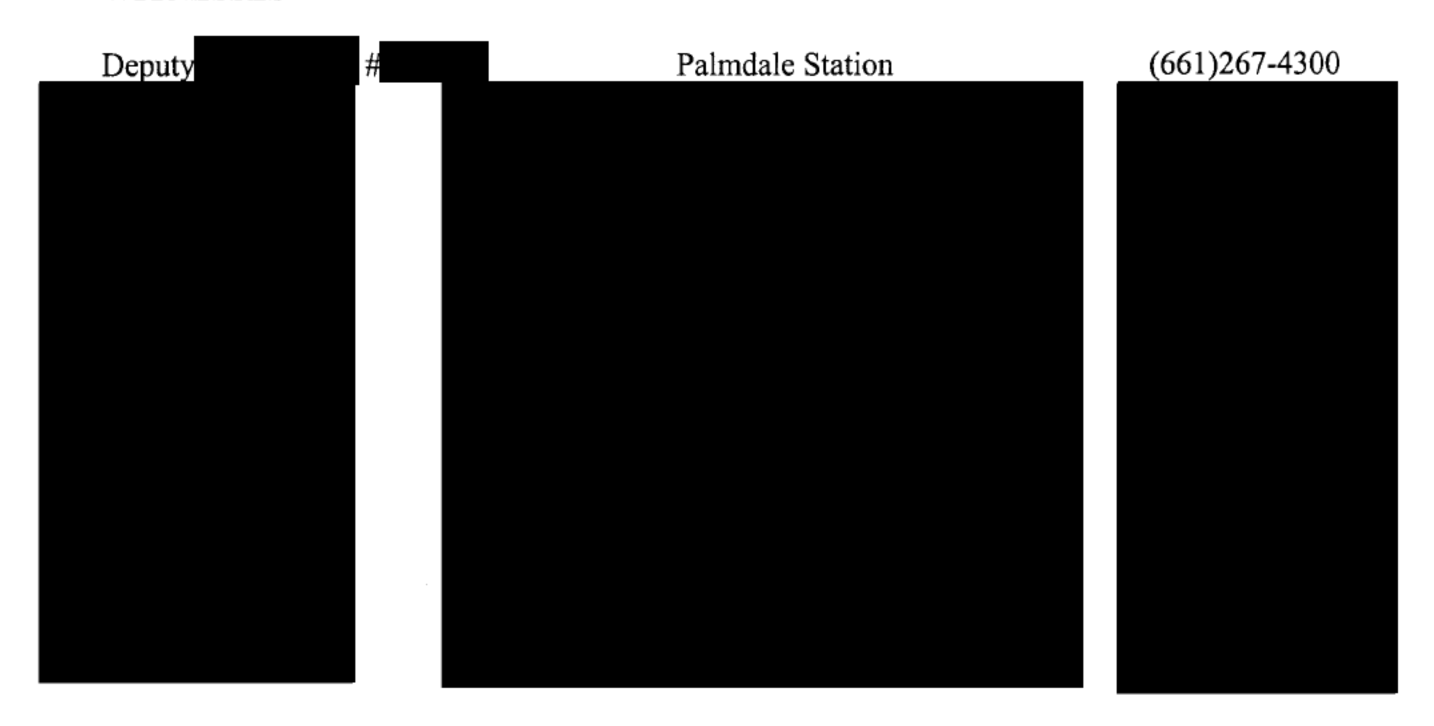


SUSPECT/INMATE

Suspect Robert C. Mitchell	MB/40	5'10"/230lbs

Suspect Mitchell has an extensive criminal history dating from [redacted]

WITNESSES



Deputy [redacted] #[redacted] Palmdale Station (661)267-4300

[redacted]

INJURIES

Deputy [redacted] received a gunshot wound to his right hand.

Suspect Robert Mitchell received five gunshot wounds to his torso, any one of which was fatal. He received one gunshot wound to his right hand. He had multiple abrasions to his knees and right elbow as well as contusions to his forehead and right arm.

PHYSICAL EVIDENCE

Two expended 9MM shell casings were located on the dirt shoulder across from [redacted] East Avenue T-4 which is directly south of the location of the first shooting.

Four expended 9MM shell casings were located on the dirt shoulder in front of [redacted] East Avenue T-4 which is the location of the second shooting.

Blood drops and smears were seen in the driveway and block wall of [redacted] East Avenue T-4 as well on the inside and outside of Sheriff's vehicle #SD3039 (Deputies Manes and [redacted] radio car).

INVESTIGATOR OBSERVATIONS:

Due to the lack of streetlights, the location of the shooting was very dark. The only apparent light came from the radio car and the porch light at [redacted] East Avenue T-4.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Rick Manes used a Department issued Beretta 9MM pistol, SER#BER[redacted] firing six rounds of Department issued 9MM ammunition.

WEAPONS USED BY SUSPECTS

Attempted gun take away.

PROPERTY DAMAGE:

NONE

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Investigator Joseph Martinez, #[redacted] Homicide Bureau
Investigator Robert Harris, #[redacted] Homicide Bureau

The suspect is deceased and no criminal charges were filed.

LIGHTING OR WEATHER CONDITIONS:

This incident occurred during the hours of darkness. There were no streetlights between 92nd Street and 96th Street. The visibility was clear and the temperature was cool.

INVOLVED EMPLOYEES STATEMENTS:

Deputy Rick Manes

Deputy Manes and Deputy [redacted] were assigned to Unit 265A, P.M. shift in the Littlerock area of unincorporated Los Angeles County. Deputy Manes was the driver and [redacted] for Deputy [redacted] who was the bookman and [redacted] Deputy Manes was wearing a Sheriff's Class A uniform with Sam Browne belt which was equipped with his duty weapon, holster, handcuffs, O.C. spray and portable Sheriff's radio.

Deputy Manes stated that around 1825 hours, he and his partner were assigned a radio call of a burglary in progress call **(refer Exhibit K)**. While responding they received an update to the

radio call in which a suspect description was given. The suspect was described as a male black wearing a white T-shirt and either tan or gray pants. Upon their arrival, he saw a male matching the description walk into the street from the front yard of the location given in the radio call. Deputy Manes and Deputy [redacted] exited their radio car with guns drawn, stepped to the front of the radio car and ordered the suspect to get on the ground. The suspect did not comply, but instead paced back and forth while moaning and growling. Deputy Manes ordered the suspect, who was later identified as Suspect Mitchell, to the ground at least ten times; however, the suspect refused to comply. Deputy Manes noticed the suspect appeared upset and sweaty, which caused him to believe that the suspect was under the influence of drugs. The suspect's behavior appeared awkward due his indifference to their presence and commands, even though they were pointing guns at him.

While Deputy Manes was ordering the suspect to the ground, the suspect turned toward him, growled and charged at him. When the suspect reached Deputy Manes, he kicked the suspect in the stomach or hip in an attempt to maintain distance from the suspect. Deputy Manes lost his balance and moved backward. The suspect closed the distance and Deputy Manes felt his gun being pulled downward. Deputy Manes has practiced a method of disarming a person similar to this and believed the suspect was attempting to take his gun. Deputy Manes became "frightened" because he was being overpowered by a large man who was attempting to disarm him. Deputy Manes reacted to this by firing two or three times with his duty issued weapon **(refer Exhibit G)**. The suspect backed away from him immediately and began walking in circles and mumbling incoherently. The suspect did not express pain from the gunshots which made Deputy Manes believe that he had missed the suspect; however, when the suspect turned his back to him, Deputy Manes saw blood on the back of the suspect's shirt and knew the suspect had been struck.

The suspect walked to the open right front passenger door of the radio car and entered **(refer Exhibit H)**. Deputy Manes became concerned the suspect would try to get the shotgun from the radio car even though the shotgun was locked. Deputy Manes did not know if the suspect knew where the shotgun release button was located. As Deputy Manes continued to give the suspect orders to get on the ground, he could see the suspect in the right front passenger seat; however, he could not see what the suspect was doing. The suspect exited the radio car and walked to a brick fence post at the driveway of [redacted] East Avenue T-4, which he leaned against **(refer Exhibit I)**. Suspect Mitchell then began walking northeast toward the house [redacted] as Deputy Manes continued ordering him to the ground. Deputy Manes followed the suspect into the driveway of that location, "amazed" that the suspect was still walking after he had been shot. Deputy Manes realized that other people were approaching him and saying something while he heard Deputy [redacted] yelling at them to stay away.

Deputy Manes holstered his gun and confronted the suspect in the driveway of the house at [redacted] East Avenue T-4 **(refer Exhibit J)**. Deputy Manes and the suspect became engaged in a fight, during which the suspect struck him and he struck the suspect with his flashlight in the chest and arms. As the fight progressed, Deputy Manes hands became sweaty and after delivering a blow,

the flashlight slipped from his grasp. The suspect punched him, knocking him backward. The suspect then ran at Deputy [redacted] as Deputy [redacted] took his baton from its holder. Deputy Manes saw Deputy [redacted] strike the suspect with his baton, and the suspect grab the baton and then spin Deputy [redacted] around, the momentum causing them to move from beside the vehicle in the driveway to a point in the dirt between the street and the driveway. Deputy Manes saw the baton fall to the ground, the suspect grab Deputy [redacted] gun with both hands, pulling on it, and then heard Deputy [redacted] scream, "He's trying to get my gun," or "He's got my gun."

As Deputy Manes watched, he saw the gun in Deputy [redacted] holster move up and down to a point where the trigger became exposed and heard the sound of stretching leather. As the suspect pulled on Deputy [redacted] gun, he stared at Deputy Manes, causing Deputy Manes to believe that the suspect was going to shoot him first, once he gained control of Deputy [redacted] gun. Fearing that the suspect would go for his gun, Deputy Manes did not want to get closer than five feet. When Deputy Manes believed that Deputy [redacted] was not in his line of fire, he fired three more rounds. The suspect immediately fell to the ground and Deputy Manes heard Deputy [redacted] say that he had been shot.

WITNESSES STATEMENTS:

Deputy Clark Lien #[redacted]

Deputy [redacted] stated that on the day of the incident he was working with Deputy Rick Manes in Unit 265A. Deputy Manes, who was his [redacted] was driving and he was the bookman.

They received a radio call of a burglary in progress at [redacted] East Avenue T-4 with the suspect described as a M/B 6', 200 lbs, wearing a white T-shirt, and tan or gray pants. Upon their arrival he saw a male, matching the described suspect, walking away from the location of the radio call, in the middle of the street. He and Deputy Manes exited the radio car with their guns drawn, walked to the front of the radio car and began ordering the suspect to stop. The suspect stopped, turned around and began walking toward them. The suspect threw his hands in the air and said "What the fuck you going to do. You going to shoot me." Deputy [redacted] said, due to the suspect's rigid movements, the suspect appeared to be under the influence of drugs (phencyclidine or methamphetamine) or extremely agitated and described his thoughts as being "scared." They moved to the right of the radio car to put distance between the suspect and themselves. Deputy [redacted] walked to the middle of the street with Deputy Manes to his left. Deputy Manes again told the suspect to stop; however, the suspect continued to advance toward Deputy Manes. Deputy [redacted] saw Deputy Manes kick the suspect in the hip area which caused the suspect to stumble backward as Deputy Manes took a few steps back and to his left. Deputy [redacted] broadcast on his portable radio that a deputy was involved in a fight as Deputy Manes moved closer to the radio car. The suspect mumbled something which he [redacted] was unable to understand and then ran at Deputy Manes with his hands outstretched. Deputy Manes was pointing his gun at the suspect as the suspect ran toward him.

Deputy [redacted] saw the suspect reach for Deputy Manes gun in a attempt to grab it; however, due to the poor lighting, he was unable to see if the suspect actually grabbed the gun. He saw Deputy Manes fire two rounds, which struck the suspect in the abdomen. The suspect stumbled back and looked at his stomach. The suspect then ran toward the open passenger radio car door. Deputy [redacted] thought the suspect was going to enter the radio car and he began running around the front of radio car to the driver's side. As he ran, he continued watching the suspect, fearing that he was going to enter the radio car and attempt to get the shotgun. While running Deputy [redacted] heard Deputy Manes broadcast over Sheriff's radio that he had been involved in a shooting. The suspect entered the radio car and appeared to be reaching for the shotgun. Deputy [redacted] knew the shotgun was locked, but he was concerned the suspect would reach up on the dash and activate the release button. As Deputy [redacted] reached the driver's door, the suspect exited the radio car. Deputy [redacted] reached into the vehicle and turned off the engine to inactivate the shotgun release, taking the keys and putting them in his pocket. The suspect walked around the front of the radio car, then to the block wall fence next to the driveway of the house of the original radio call. The suspect leaned against the block wall fence, looked at his stomach and said something, which again he was unable to understand, but he could tell the suspect was very angry.

The suspect began walking toward the house east of that location as Deputy Manes, with his gun out, followed behind. Deputy [redacted] saw several people exit the house at [redacted] East Avenue T-4, which is [redacted] He heard a male yell "You shot my [redacted] He told the people to go back into the house; however, they did not comply and continued to yell at him and Deputy Manes [redacted] became concerned that these people would also attack them, and focused his attention of them. As he watched the people, Deputy [redacted] saw Deputy Manes and the suspect about to enter the driveway at [redacted] East Avenue T-4. He saw that Deputy Manes and the suspect were fighting at which time he holstered his gun and pulled his expandable baton.

Deputy [redacted] walked to the driveway to assist Deputy Manes, having to walk around a vehicle which was parked in the driveway. As he cleared the back of that vehicle, he saw Deputy Manes' back was toward him. Deputy Manes stepped to one side, at which time he saw the suspect. The suspect ran directly at him. Deputy [redacted] using both hands, swung his baton at the suspect, striking him in the ribs on the left side. The suspect pinned the baton against his body with his left arm and struck Deputy [redacted] in the head. The blow knocked Deputy [redacted] glasses off causing his vision to blur for a moment and he fell back against the vehicle. In an attempt to regain control of his baton he tried to pull it from the suspect's grasp. As he was doing this, the suspect was pulling him closer. The suspect was stronger than Deputy [redacted] and was able to pull him closer, at which time the suspect grabbed his holstered and secured gun by the hand grip.

Deputy [redacted] in an effort to maintain control of his gun, used his right hand to secure the gun by grabbing the safety strap of his holster. The suspect continued trying to gain control of the gun and in doing so pulled him onto the dirt area between the driveway and the street. Deputy [redacted] either lost his grip on his baton or dropped it as he used both hands to maintain control of his

gun. He heard what seemed like the leather on his gunbelt tearing and thought that he was in "deep trouble" as the suspect was so angry that he wanted to kill him [redacted]

Deputy [redacted] saw Deputy Manes and began yelling "He's got my gun. He's got my gun." At about this time he heard two or three popping sounds and felt pain in his right hand. The suspect fell to the ground and he saw that he was bleeding from his right hand. He used his portable radio to advise that he had been shot and saw that Deputy Manes was holding the suspect at gunpoint. He walked to middle of the street, saw that the people were still outside and were yelling at them. Not knowing the intentions of the people, he drew his gun with his left hand and waited for assisting deputies to arrive. After assistance arrived he was treated by paramedics and transported to a hospital.

[redacted]

Witness [redacted] said that in the early evening hours of the date of the incident he was in the kitchen of his home. He heard someone at his kitchen door and went to find out who it was. He saw the kitchen door beginning to open and grabbed the doorknob. He felt someone trying to open the door and returned pressure to close the door. He was overpowered by a male black (Suspect Mitchell), who forced his way into the house.

Mister [redacted] said when the suspect entered the location, he was breathing heavy and looked angry. The suspect had his right hand under his shirt at the waistband area. He felt the suspect had a gun and feared for his life. After approximately one minute the suspect left the location and he (Witness [redacted] followed him a short distance into the rear yard of the location. He went back into the location, locked the door, moved his [redacted] upstairs and his [redacted] (Witness [redacted] called the Sheriff's Station.

Approximately two minutes later he went to the livingroom window and saw the suspect walking westbound on the shoulder of the street in front of the location. Further west he saw deputies standing near a Sheriff's SUV radio car and heard them "yelling" orders at the suspect to get on the ground. He went to check on his [redacted] and talk to the 9-1-1 operator. While away from the window, he heard the sounds of a struggle. He believed the deputies had detained the suspect and he and his [redacted] went to the front door. Immediately upon opening the front door, he saw flashes and heard two gunshots. He and his [redacted] ran upstairs to be with their [redacted] and approximately twenty seconds to a minute later heard two to three additional gunshots. He then heard a female screaming.

[redacted]

Witness [redacted] said that she was in a room in the north west corner of the location when she heard voices coming from the kitchen, where her [redacted] (Witness [redacted] was working. She heard her [redacted] saying "You're in the wrong house" and another "black" voice saying

"I'm gonna take you out, I'm gonna take you and your family out." She went to the kitchen where she saw her [redacted] "coaxing" a male black (Suspect Mitchell) out the kitchen door. The suspect's right arm was bent with his lower right arm near his waistband. Her [redacted] followed the suspect out the door and she became "panicked and scared."

After her [redacted] returned, she locked the door and while he was taking the [redacted] upstairs, she called 9-1-1, maintaining contact with the 9-1-1 operator until she was told the deputies were at the location. She was told to go the front door and see if the deputies were at the location. She and her [redacted] went to the front door and upon opening the door saw the SUV radio car with it's "lights on." She then heard two gunshots. She dove to the floor and her [redacted] came to her side. She and her [redacted] went upstairs and approximately two minutes later, during which time she heard a "commotion outside," she then heard two more gunshots.

[redacted]

Witness [redacted] said that she was in her kitchen when she heard two muffled sounds that she could not identify. She determined that her [redacted] inside the location, had not caused the noise and returned to the kitchen. She heard a female voice, from outside the location, saying "I have a camera. I have a camera." She went to her rear door on the east side of the location and, with an unobstructed view, looked in the direction of the residence at [redacted] Avenue T-4. She saw an unidentified male crawling on the ground towards that location.

She went to alert her [redacted] members of the incident , then returned to the rear door. She saw two deputies and another male standing in the driveway at [redacted] East Avenue T-4. She did not see them struggling, but believed the deputies were attempting to control the male's hands and arms. As she and her [redacted] (Witness [redacted] were watching the incident, she heard two gunshots, at which the male fell straight back with his arms out, palms up.

[redacted]

Witness [redacted] said that he was inside his house when he heard two or three gunshots emanating from outside his house. His [redacted] Witness [redacted] came and asked if he had generated the gunshots on his computer. Approximately thirty seconds after hearing the gunshots, he heard approximately four additional gunshots, again, from outside the house. He joined his [redacted] at the rear door of the residence and saw numerous police in the area.

[redacted]

Witness [redacted] said that she was in the bathroom of her [redacted] (Witness [redacted] house when she heard a gunshot, a pause and then three faster gunshots. She went to the rear door where Witness [redacted] was and looked towards the residence at [redacted] East Avenue T-4. She saw three people at the end of the driveway at that location and they appeared to be scuffling as other people yelled at them. She saw one of the people at the driveway, who she believed was a

police officer, pointing a gun at the other two individuals, who appeared to be "wrestling around." She heard the officer with the gun giving commands; however, she was unable to hear what commands were given.

She said the next thing she recalled was the officer with the gun firing two to three shots. She ducked and did not see the suspect fall to the ground. When she again looked, she saw one of the individuals who had been wrestling, run westbound, holding his hand and heard the individual she believed was a police officer, ask him if he was okay.

[redacted]

Witness [redacted] said that he, his [redacted] (Suspect Mitchell) and his [redacted] exited the residence at [redacted] East Avenue T-4. After he exited he saw a police vehicle parked to the west, with it's light bar activated and two deputies were standing in front of the vehicle. The suspect walked directly to the police vehicle at which time he heard one of the deputies tell the suspect to "halt." While the suspect was standing in front of the police vehicle, illuminated by the vehicle's headlights, one of the deputies shot the suspect two times. He said there was no fight between the deputies and suspect prior to the shooting.

He said after the shooting, the suspect walked westbound back towards the [redacted] East Avenue T-4 residence, asking for help and holding his side. When the suspect reached the driveway, he (Witness [redacted] ran inside the residence and told everyone inside that "the police shot Robert." He ran back outside and saw the deputies trying to grab or gain control of the suspect. One of the deputies began striking the suspect with a baton while the other was wrestling with him. One of the deputies then shot the suspect. He said the deputy who shot the suspect was "stocky" and had two stripes on the sleeve of his uniform.

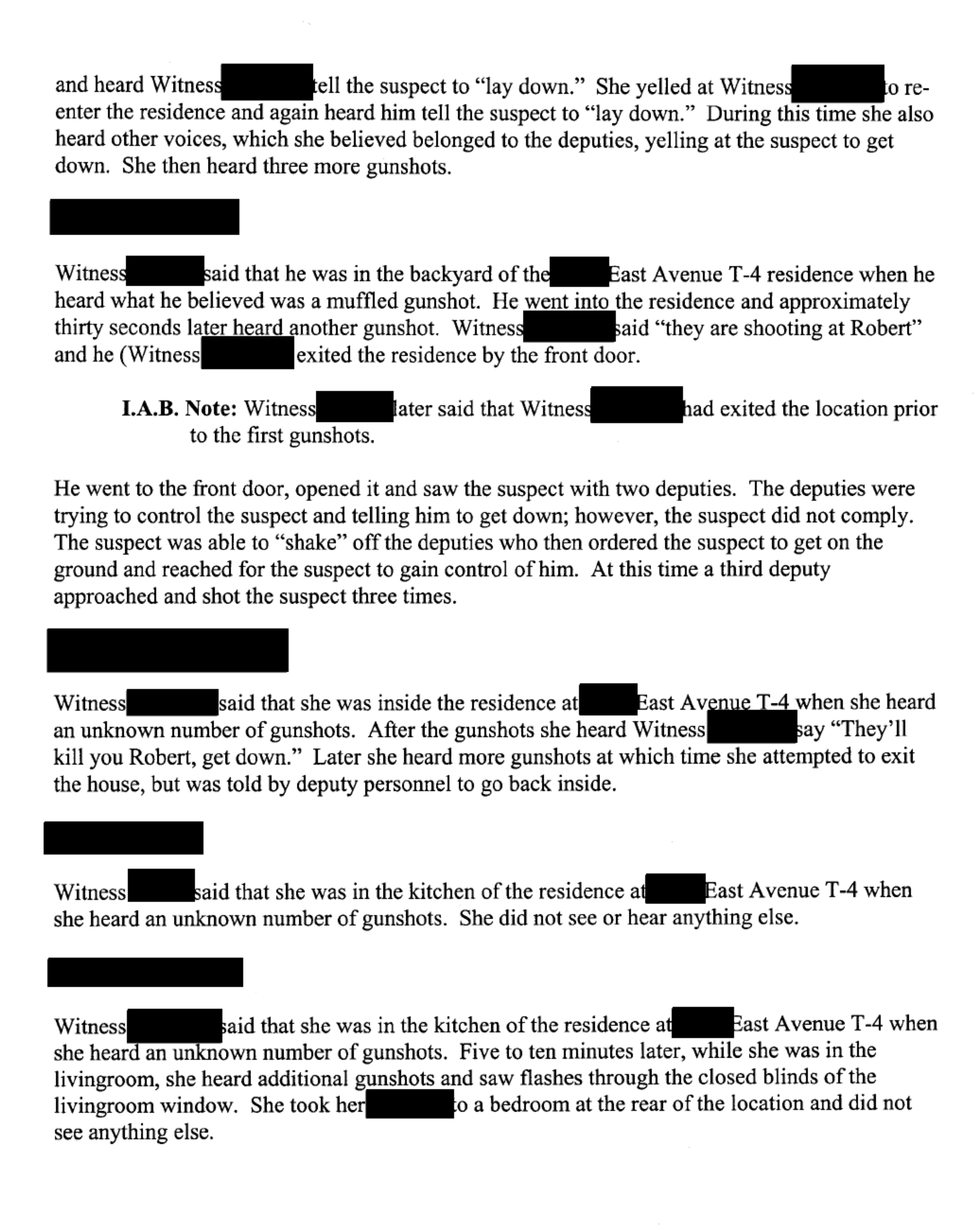
[redacted]

Witness [redacted] said that he was inside the residence at [redacted] East Avenue T-4 when he heard an unknown number of gunshots. After hearing the gunshots, he exited the residence with Witness [redacted] and saw that the suspect was already on the ground. At that point he was ordered by deputies to go back into the residence, which he did.

Witness [redacted] said that while he was inside the residence after the shooting, the other people inside had told him "at least ten different" accounts of the incident and he does not believe anyone saw what actually occurred.

[redacted]

Witness [redacted] said that she was in the kitchen of the residence at [redacted] East Avenue T-4. She heard two gunshots and after hearing the gunshots, her [redacted] (Witness [redacted] and her [redacted] (Witness [redacted] exited the location. She went into the livingroom of the location



and heard Witness [redacted] tell the suspect to "lay down." She yelled at Witness [redacted] to re-enter the residence and again heard him tell the suspect to "lay down." During this time she also heard other voices, which she believed belonged to the deputies, yelling at the suspect to get down. She then heard three more gunshots.

[redacted]

Witness [redacted] said that he was in the backyard of the [redacted] East Avenue T-4 residence when he heard what he believed was a muffled gunshot. He went into the residence and approximately thirty seconds later heard another gunshot. Witness [redacted] said "they are shooting at Robert" and he (Witness [redacted] exited the residence by the front door.

> **I.A.B. Note:** Witness [redacted] later said that Witness [redacted] had exited the location prior to the first gunshots.

He went to the front door, opened it and saw the suspect with two deputies. The deputies were trying to control the suspect and telling him to get down; however, the suspect did not comply. The suspect was able to "shake" off the deputies who then ordered the suspect to get on the ground and reached for the suspect to gain control of him. At this time a third deputy approached and shot the suspect three times.

[redacted]

Witness [redacted] said that she was inside the residence at [redacted] East Avenue T-4 when she heard an unknown number of gunshots. After the gunshots she heard Witness [redacted] say "They'll kill you Robert, get down." Later she heard more gunshots at which time she attempted to exit the house, but was told by deputy personnel to go back inside.

[redacted]

Witness [redacted] said that she was in the kitchen of the residence at [redacted] East Avenue T-4 when she heard an unknown number of gunshots. She did not see or hear anything else.

[redacted]

Witness [redacted] said that she was in the kitchen of the residence at [redacted] East Avenue T-4 when she heard an unknown number of gunshots. Five to ten minutes later, while she was in the livingroom, she heard additional gunshots and saw flashes through the closed blinds of the livingroom window. She took her [redacted] to a bedroom at the rear of the location and did not see anything else.

[redacted]

Witness [redacted] said that he was sitting in his livingroom when he saw a Sheriff's Bronco, with its lights on, stop in front of his house. The Bronco then drove east and stopped in front of his neighbors house. He went to his front door at which time he heard deputies "screaming and yelling" at someone. He then saw that the deputies were yelling at a male black, telling him to "get down." The male did not comply, but rather began throwing his hands around and yelling at the deputies. He said one deputy was on the north side of their vehicle and the other was on the south side. The deputy on the south side had his gun pointed east.

As the deputies continued to give the suspect orders, the suspect continued to "rant and rave." He then heard two gunshots. Approximately two to three minutes later he heard the sound of three additional gunshots

[redacted]

Witness [redacted] said that he heard "a couple" of gunshots, a pause then four to five more gunshots. He did not see or hear anything prior to the gunshots.

[redacted]

Witness [redacted] said that he was sitting in his backyard at [redacted] East Avenue T-4, when he heard two or three gunshots. Approximately two minutes later he heard six or seven more gunshots. He did not see or hear anything else.

SUSPECT STATEMENTS:

None. Suspect Robert Mitchell deceased.